

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE BED BATH & BEYOND
STOCKHOLDER DERIVATIVE LITIGATION**

This Document Relates to All Actions

**Master File No. 2:20-cv-08673-MCA-
MAH**

**STIPULATION AND [PROPOSED]
ORDER REGARDING
SCHEDULE FOR FILING OF
CONSOLIDATED COMPLAINT
AND DEFENDANTS' RESPONSE**

WHEREAS, starting on July 10, 2020, three related shareholder derivative actions were filed in this Court on behalf of nominal defendant Bed Bath & Beyond Inc. (“BBBY”);

WHEREAS, on October 14, 2020, the Court entered an order [ECF No. 12] consolidating the three cases under the caption shown above and staying them pending disposition of a motion to dismiss the related securities class action captioned *Vitiello v. Bed Bath & Beyond Inc.*, No. 2:20-cv-4240-MCA-MAH (D.N.J.) (the “Securities Class Action”);

WHEREAS the Court administratively terminated the fully briefed motion dismiss the Securities Class Action when the parties informed the Court that they had agreed to a mediation scheduled for early August 2021;

WHEREAS, on August 3 and 4, 2021, the parties to the Securities Class Action and the parties to this consolidated derivative action participated in a mediation together with the plaintiffs in two related shareholder derivative actions pending in New York Supreme Court, Kings County;

WHEREAS the parties to the Securities Class Action subsequently informed the Court that they had reached an agreement in principle, subject to various conditions, to resolve the Securities Class Action;

WHEREAS, the August 3-4 mediation did not result in an agreement in principle to resolve the derivative actions, but the parties continued their discussions;

WHEREAS, on August 18, 2021, the Court entered an Order [ECF No. 15] staying this consolidated derivative action until September 30, 2021, and requiring the parties to report back to the Court by that date;

WHEREAS, on September 30, 2021, the parties requested [ECF No. 16], and the Court on October 4, 2021 granted [ECF No. 17], a further two week stay of this action pending an additional mediation session to be held on October 12, 2021; and

WHEREAS, the October 12, 2021 mediation session did not result an agreement to resolve this action at this time.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs, Defendants, and Nominal Defendant BBY that:

1. Plaintiffs shall file their consolidated complaint within thirty days of entry of an order on this stipulation.
2. Defendants shall move to dismiss the consolidated complaint within forty-five days thereafter.
3. Plaintiffs shall file their opposition to Defendants' motion to dismiss within forty-five days thereafter.
4. Defendants' reply in further support of their motion to dismiss shall be filed within thirty days thereafter.

Dated: October 14, 2021

/s/ Laurence M. Rosen

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*Attorneys for Defendants and Nominal
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SO ORDERED this ____ day of _____, 2021.

United States District Judge